

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF CANDICE LOPES

I, Candice Lopes, make the following declaration based on personal knowledge:

1. I am an African American resident of the City of Springfield, where I have lived my entire life. I currently live at 385 Worthington Street, Unit 2A, which is in Ward 1. Before I moved to Worthington Street in November 2006, I lived for 31 years at 183 Dartmouth Terrace, which is located in Ward 4, Precinct A.

2. I have been involved in politics in Springfield since 1975. I have worked on various political campaigns for approximately the last thirty one years, including the campaigns of Ben Swan, Ray Jordan, Morris Jones, Bud Williams, Allene Curto, Sean Cahillane, Linda Melconian, Marty Reilly, Kateri Walsh, Stephen Buoniconti and Michael Albano. I worked as the Educational Liaison to Mayor Michael Albano from 1996 through the beginning of 2005. I currently work for State Senator Stephen J. Buoniconti as Director of Community Relations.

3. I have been an active participant in political and community organizations in Springfield for many years.

4. For more than twenty years I have been a member of the State Democratic Committee, and am now considered a lifetime member of that organization.

5. I am also a lifetime member of Springfield's Ward 4 Democratic Committee, having been a member since 1976. The Ward 4 Democratic Committee actively encourages people in Ward 4 to register to vote, and to vote. The Committee organizes voter registration drives, and "Get Out the Vote" efforts that include going door to door, standing on street corners with signs reminding people to vote on election day, and making phone calls to remind and encourage people to vote. I have been an active participant in these voter registration drives and "Get Out the Vote" efforts since the 1980's.

6. From approximately 1976 – 1980 I was a member of the Winchester Square Community Development Council.

7. From approximately 1980 – 1982 I was a member of the McKnight Neighborhood Council.

8. From approximately 1985 – 1989 I was a member of the Springfield Action Commission, and was President of that organization from approximately 1987 – 1989.

9. I have been a member of the Springfield branch of the National Association for the Advancement of Colored People ("NAACP") since 1978. I was a member of the Board of Directors of the Springfield branch of the NAACP from approximately 1980 – 1989, and served as Vice President of the Board from approximately 1986 – 1989. As a member of the NAACP, I have participated in voter registration drives organized by the NAACP, primarily in the 1980s.

10. I am currently a member of the Springfield Neighborhood Housing Services, an organization that helps first time home buyers and existing home owners with various housing needs. Springfield Neighborhood Housing Services serves primarily minority and low income residents of Springfield, and assists people with, among other things, credit issues, and obtaining grants and low interest loans to finance home purchases. Springfield Neighborhood Housing Services also works to develop housing in neighborhoods where decent, affordable housing is needed. The organization is funded by federal government grants.

11. I have been a member of the Board of Directors of the Robert M. Hughes Academy Public Charter School in Springfield for the past 7 years. The School's students and teaching staff are predominantly African American.

12. I have run for political office in Springfield four times. I lost three out of four of those elections.

13. In 1977 I ran for City Council and lost.

14. In 1987 I ran for School Committee and won. There were several unusual circumstances that year that I believe contributed to my win. First, there were two vacant seats on the School Committee that year because two incumbents had decided not to run, and therefore two out of three seats had to be filled by newcomers. In addition, I was the only woman running for School Committee that year. There was one other sitting member of the School Committee who was a woman, and at the time it seemed important to voters to have at least two women members of the School Committee. Finally, I had a base of political supporters and people who helped with my campaign because I had been involved with Springfield politics for approximately a dozen years at that point.

15. When I ran for re-election in 1991, I lost. I believe that my loss can be attributed, in large part, to the fact that I supported the school superintendent at the time, Peter Negroni. Mr. Negroni was Springfield's first Hispanic school superintendent. Mr. Negroni was perceived in Springfield as protecting and defending, and being an advocate for, African American and Latino students, and, for this reason, was not popular in Springfield's white community. Negroni's actions as they related to African American and Latino students received a lot of attention in the community that year. My challenger, Beth Conway, did not support Negroni, and she won the School Committee seat that year instead of me. Ms. Conway is white.

16. In 1991, when I lost my re-election campaign, I had greater support in areas that were predominantly African American, and much less support in areas that were predominantly white. I believe that the 1991 election for School Committee was a very racially polarized election.

17. In 1991, Bob McCollum, who is African American, won the third and final seat on the School Committee. I believe that special circumstances contributed to his election. In 1991, McCollum was an incumbent, having been selected by joint convention of the City Council and School Committee. He did not win his initial bid for the seat in 1989. In addition, many people who did not know or had not met McCollum thought that he was white because of his name, and because he lived in Ward 7 in an area that is not predominantly African American. I personally observed people's surprise when they learned that he was African American, because they had assumed he was white.

18. In 1994, I ran for State Representative against Benjamin Swan and lost.

19. I believe that being African American or Hispanic is a disadvantage for candidates for City Council and School Committee in Springfield. Based on my knowledge and

experience as a long-time participant in and observer of Springfield politics, I believe there is a perception among African Americans in Springfield that white voters are not as comfortable voting for African American candidates as they are voting for white candidates. My observation and experience over the years has been that successful minority candidates tend to hold very middle of the road political beliefs, and that, as soon as a minority politician takes a stand that seemingly advocates specially for the minority community, there is a white backlash against that politician. As described above, I personally experienced this white backlash in my 1991 run for re-election to the School Committee.

20. I also witnessed this white backlash in connection with Carmen Rosa. Ms. Rosa was elected to the School Committee in 1993. While she was on the School Committee, Rosa gave a talk to high school students about the nature of racism. Many members of the white community were upset about her remarks, and she lost a lot of political support in the white community as a result. In the African American community, in contrast, there was a sense that what she had said in her talk to the high school students was accurate.

21. Based on my knowledge and experience as a long-time participant in and observer of Springfield politics, I believe that African American and Hispanic voters in Springfield tend to not turn out in large numbers because they are discouraged and feel like their votes do not matter. I believe that a switch from the current at-large method of election to a district-based method of election would make African Americans and Hispanics in Springfield feel like they have a reason to vote, and a voice in City government.

22. I frequently urge African American voters to “bullet vote” or use only one or two of their available votes to vote for those candidates that they think will represent them well (usually the African American candidate(s)), and have observed others do the same. I tell people

that using one, or a few, of one's available votes will multiply the power of their vote. I believe that many African Americans bullet vote, or use many fewer than their available votes, because they believe it is the only way they have a chance of electing candidates of their choice.

23. One of the reasons that it is difficult for minority candidates to receive votes from white voters is that Springfield is a very segregated city. While Springfield is physically segregated in the sense that there are areas of the city that are predominantly either African American, Hispanic or white, the segregation extends far beyond neighborhood lines, and into social venues and organizations, places of worship, and community organizations. In my experience, it is very uncommon to see white residents of Springfield socializing with minority residents of Springfield. Divisions based on race and ethnicity are commonly seen throughout the city. For example, there are certain restaurants in downtown Springfield that tend to be frequented by whites, and certain restaurants in the same area that tend to be frequented by African Americans. These restaurants are located in the same general vicinity, not in areas where there is a high residential concentration of people of one race or ethnic group.

24. This segregation is also seen in the frequency with which politicians visit minority communities. Most of the elected officials in Springfield do not live in areas of the city that have high concentrations of minority residents. Those elected officials therefore are not exposed to the daily problems facing those communities, and while they may visit for campaign purposes, their exposure to those areas of the city is much more limited than their exposure to more affluent, and predominantly white areas of the city, where they tend to socialize, go to church, and attend to the everyday necessities of life, like going to the grocery store or the bank. As a result, I believe that many everyday concerns of African Americans and Hispanics in Springfield are overlooked and not adequately addressed, including things like neighborhood safety, the

provision of public services, and law enforcement. In addition, because City Councilors and School Committee members do not, for the most part, live in predominantly minority areas of the city, there is a feeling in the African American and Hispanic communities that their needs are not recognized and/or ignored.

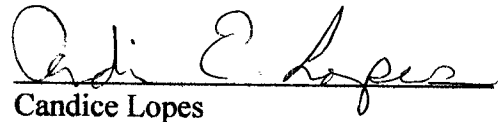
25. I do not remember there ever being an African American working at the election office in Springfield. Now, after many years, there is finally one Hispanic person, who speaks Spanish, working in the election office. It has been my observation over the years that the City is lacking in employees who speak Spanish and who can adequately communicate with city residents whose first language is not English.

26. I always vote on election day. When I have gone to my polling place in Ward 4, I have regularly seen people who were turned away and told they could not vote because their names were not on the voter registration list. These people were not offered provisional ballots, or told that they had the option to vote by provisional ballot. I estimate that at least once every other year, in the time it takes me to stand in line to check in with the poll worker before voting, I have seen someone turned away and not offered a provisional ballot. It has also been my observation that poll workers are not well informed about the rules, and what voters are and are not permitted to do. In 2006, I observed that this situation had somewhat improved. Nevertheless, for many years it has been my observation that poll workers were most often under-educated about voting rules and procedures, and voters' rights. It seems that there has always been a lot of voter confusion, and confusion among poll workers, on election day in Springfield.

27. It has been my observation that the people who are turned away and not offered provisional ballots are generally minorities. African Americans and Hispanics in Springfield, in

general, tend to be poorer and more transitory than whites in Springfield. In addition, many Hispanics in Springfield do not speak English well. This combination of a lack of language skills, and moving residences more frequently than most leads to many African Americans and Hispanics either not receiving the yearly census forms as they should, or not understanding those forms when they receive them. As a result, I believe, and it is the belief in the minority community in general, that minorities in Springfield are disproportionately removed from the voting lists because of failure to receive and/or return their census forms.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief. Executed on January 31, 2007.


Candice Lopes

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser